THE 14th ANNUAL REPORT OF THE CRIMINAL INJURY COMPENSATION ACT OF BRITISH COLUMBIA

JANUARY 1, 1985 – DECEMBER 31, 1985

ADMINISTERED BY THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA
FOR THE MINISTRY OF THE ATTORNEY GENERAL

THE CRIMINAL INJURY COMPENSATION ACT

Minister responsible for the Act:

The Honourable Brian D.R. Smith, Q.C.
Attorney General
Province of British Columbia

Agency responsible for the administration of the Act:

Workers' Compensation Board of British Columbia

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Administered by the Workers' Compensation Board of British Columbia
for the Ministry of the Attorney General

28 February 1986

TO HIS HONOUR THE LIEUTENANT-GOVERNOR
IN COUNCIL OF THE PROVINCE OF BRITISH COLUMBIA

May it please Your Honour

Sir:

As required by subsection (1) of section 23 of the Criminal Injury Compensation Act, I have the honour to submit the annual report of the Workers' Compensation Board covering the period 1 January 1985 to 31 December 1985.

Yours respectfully,

G. W. Hall
Acting Chairman
Workers' Compensation Board
Richmond, B.C.

LEGISLATION

The Criminal Injury Compensation Act has been in effect since July 1, 1972. It enables compensation to be provided where a person is injured or killed in British Columbia as a result of (a) the commission of any one of 44 criminal offences set out in the schedule of the Act or where the injury or death resulted from: (b) the lawful arrest or attempt to arrest an offender or suspected offender, or assisting a peace officer in making or attempting to make an arrest; or (c) the lawful prevention or attempt to prevent the commission of a criminal offence or suspected offence or assisting a police officer in preventing or attempting to prevent the commission of such offence or suspected offence.

The Act applies in respect to all persons injured or killed in British Columbia in the above described circumstances notwithstanding that the victims may not have been residents of British Columbia at the time.

APPLICATIONS

1,331 new applications were received during the year, which when added to the 72 applications carried forward from the previous year, presented 1,403 claims for consideration and decision; of that number 1,110 applications were disposed of leaving 293 cases to be carried forward to the following year. Since the Act has been in force, the Board has received a total of 9,772 applications.

Application forms are available to claimants at all Workers' Compensation Board offices located throughout the Province (see list of offices on the last page of this report). Information booklets explaining the provisions of the Act in general terms are also forwarded or given to every prospective claimant along with the application form. All completed application forms are required to be submitted to the Board's office in Richmond for further processing.

Victims or their dependants may apply for and receive compensation under the Act, bring an action or do both. In cases where claimants do not bring action and receive compensation, the Board, under section 10(3) of the Act, may maintain the action in the name of that claimant or in its own name. Where the Board brings an action pursuant to that provision and is successful in recovering more than the compensation awarded plus costs, the excess or surplus is paid to the claimant(s). It is the Board's policy to attempt recovery from the offender(s) in all cases where this is possible or economically feasible, although there have been very few cases in which actual recovery has been made. Many offenders are incarcerated for long periods of time, some cannot be identified or located and, in most other cases, the offenders are judgment proof. The Board's third party recoveries for the year amounted to $34,810.

A random selection of claims processed during the year is contained in summary form on page 15 to 23. Three decisions on actual claims have also been reproduced on pages 10 to 14 to illustrate the general format of the decision as well as the factors that are normally taken into consideration in dealing with applications under the Act.

COMPENSATION AWARDS

The Board may grant compensation in the form of a lump sum payment and/or a periodic award. The maximum lump sum payment that can be awarded, in respect of the injury or death of one victim, is $25,000. In appropriate cases, however, this lump sum payment can be supplemented by a periodic award within the limits prescribed by section 13 of the Act. The Board is precluded from awarding compensation where the amount payable is less than $100.

Compensation may be awarded for: (a) expenses actually and reasonable incurred or to be incurred as a result of the victim's injury or death; (b) pecuniary loss or damages incurred by the victim as a result of total or partial disability affecting the victim's capacity for work; (c) pecuniary loss incurred by dependants as a result of the victim's death; (d) maintenance of a child born as a result of rape; (e) replacement or repair of broken or damaged artificial appliances, clothing, eyeglasses, dentures and hearing aids; and (f) other pecuniary loss or damages including and reflecting intangible elements such as pain and suffering, loss of amenities, loss of life expectancy, etc. The Board has regard to court awards and awards granted by other jurisdictions in determining the amount of compensation to be awarded in this latter category.

Compensation may also be granted for funeral and burial expenses where such expenditures are not provided for under an Act of Canada or the Province. The Board may also furnish or provide medical, surgical, hospital, nursing and other care or treatment, transportation, medicines, crutches and apparatus, including artificial members and other rehabilitative measures to victims of crime in addition to the other compensation provided by the Act.

A total of $3,232,606 was paid out in compensation awards in 1985. Of that total $1,818,422 was awarded in the form of lump sum payments and $1,414,184 was paid out in periodic awards. The latter includes ongoing payments on awards granted in prior years. Since enactment of this legislation a total of $23,576,063 has been paid out in compensation awards.

The Province is responsible for paying all compensation and costs but, pursuant to a cost sharing agreement, which has been in effect since January 1, 1973, it recovers from the Government of Canada, except for administration costs, 10 cents per capita of the population of the Province, or 50% of the compensation paid, whichever is the lesser. For the fiscal year ending March 31, 1985 the contribution by the Federal Government amounted to $286,510 or 10 cents per capita based on Statistics Canada population estimate of British Columbia as of June 1, 1984.

PUBLICATIONS

The experience of the Board, as well as the experience of other jurisdictions having similar compensation programs, has shown that the success of the Act depends to a large extent on informing the public of its existence. The Board tries to make the provisions of the Act known in a

variety of ways. Thousands of information pamphlets outlining the provisions of the Act in general terms have been distributed to all Board area offices, hospitals, doctors, dentists, other qualified practitioners, provincial judges, police stations, employer associations, unions, schools, social workers, victim/witness agencies, and the news media, among others.

During the past year the Board was represented on radio and television shows and held meetings and discussions with various interested groups, agencies and associations. News releases regarding compensation awards continue to be sent to every newspaper, radio and television station in the Province.

In addition to the efforts to inform the public at large, the Board encourages police officers, emergency hospital staff, physicians, other qualified practitioners and lawyers to advise victims of the benefits available under the Act.

ADMINISTRATION

The Board's workload has continued to increase steadily. 1,004 cases were adjudicated and finalized during the year. Awards were granted in 820 of these cases. The remaining 184 applicants, for a variety of reasons, were not considered to be entitled to any benefits under the Act and their applications were accordingly disallowed.

Assault cases continued to dominate as the most common type of crime involved. Of the 820 awards that were granted during the year, 394 or 48% of these involved cases of assault. Sexual offences were the next most frequent category of crime, involving some 223 cases. The latter includes cases involving the sexual abuse of children in which there was a dramatic increase in applications in the past year. Indecent assaults on females and males increased from some 91 cases in 1984 to 180 cases in 1985.

The total expenditures for the year amounted to $3,655,928. Administration costs amounted to $423,322 or approximately 12% of that total. Additional details of these expenditures are contained on page 9 of this report.

ACKNOWLEDGEMENTS

The Board cannot conclude this report without expressing its appreciation and gratitude to the police, doctors, dentists, other qualified practitioners, hospital staff, judges, lawyers, social workers, volunteer victim/witness groups and various other persons and associations, for their excellent cooperation and assistance in the administration of this Act.

Acknowledgement must also be made to the news media of this Province for publicizing the benefits available under the Act.

Respectfully submitted,

G. W. Hall
Acting Chairman

J. M. Nutter
Commissioner

B. Korman
Commissioner

STATISTICAL SUMMARIES

VOLUME OF WORK

	1972-83	1984	1985	Total to Date
Applications received	$ 7,342	$ 1,099	$ 1,331	$ 9,772
Number of awards granted	4,895	811	820	6,526
Awards paid	17,163,424	3,180,033	3,232,606	23,576,063

SUMMARY OF APPLICATIONS AND DISPOSITION

June 1, 1985 to December 31, 1985

Applications carried forward from prior years	72
Applications received in 1985	1,331
	1,403

Disposition of Applications:

(a) Applications allowed - awards granted	820
(b) Applications denied - awards to applicants not allowed	184
(c) Applications withdrawn/abandoned	106
(d) Applications carried forward to 1986	293
	1,403

Summary of awards:

(a) Number of lump sum awards granted in 1985	742
(b) Number of periodic awards granted in 1985	78
(c) Lump sum payments	$1,818,422
*(d) Periodic payments	1,414,184
	$3,232,606

*Includes ongoing payments on claims adjudicated in prior years

CRIMES INVOLVED ON AWARDS GRANTED

CAUSING BODILY HARM BY EXPLOSIVE SUBSTANCE	2
DANGEROUS USE OF FIREARM	13
RAPE	26
ATTEMPTED RAPE	2
SEXUAL INTERCOURSE WITH FEMALE UNDER 14 OR 16	15
INDECENT ASSAULT ON FEMALE	150
INDECENT ASSAULT ON MALE	30
COMMON NUISANCE CAUSING HARM	2
CAUSING DEATH BY CRIMINAL NEGLIGENCE	1
CAUSING BODILY HARM BY CRIMINAL NEGLIGENCE	2
MURDER	41
MANSLAUGHTER	6
ATTEMPTED MURDER	12
CAUSING BODILY HARM WITH INTENT	4
DANGEROUS OPERATION OF VESSEL	4
COMMON ASSAULT	54
ASSAULT CAUSING BODILY HARM	331
ASSAULT WITH INTENT TO COMMIT INDICTABLE OFFENCE	8
ASSAULT INTERFERING WITH LAWFUL PROCESS	1
ILLEGAL CONFINEMENT	3
ABDUCTION OF CHILD UNDER 14	1
ROBBERY	102
INTIMIDATION BY VIOLENCE	3
MISCHIEF CAUSING ACTUAL DANGER TO LIFE	1
ARSON	2
ASSISTING A PEACE OFFICER	3
PREVENTING A CRIME	1
	820

APPLICATIONS BY AREA

ABBOTSFORD	7	GOLD HILL CREEK	1
AGASSIZ	3	GOLD RIVER	1
ALDERGROVE	1	GOLDEN	3
ALERT BAY	1	GRAND FORKS	2
ANAHIM LAKE	1	HATZIC LAKE	1
ARMSTRONG	1	HAZELTON	1
ASHCROFT	1	HEDLEY	1
BAMFIELD	1	HIXON	1
BLIND CREEK	4	HOPE	3
BOSTON BAR	2	HORNBY ISLAND	1
BRENTWOOD BAY	1	HUDSON HOPE	1
BURNABY	68	INGENIKA RIVER	1
BURNS LAKE	5	INVERMERE	1
CAMPBELL RIVER	12	KAMLOOPS	21
CANOE	1	KELLY CREEK	1
CASSIAR	1	KELOWNA	26
CASTLEGAR	1	KIMBERLEY	1
CHASE	1	KINCOLITH	1
CHEMAINUS	4	KITIMAT	6
CHERRYVILLE	4	KLOAKUT LAKE	1
CHETWYND	2	KRESTOVA	1
CHILLIWACK	9	LADNER	1
CLEARBROOK	3	LADYSMITH	2
CLOVERDALE	7	LANGLEY	13
COBBLE HILL	2	LILLOOET	2
COLWOOD	1	LIONS BAY	1
COMOX	1	LUMBY	1
COQUITLAM	24	LYTTON	1
COURTENAY	5	MACKENZIE	1
COWICHAN BAY	1	MAPLE RIDGE	16
COWICHAN LAKE	4	MARGUERITE	1
CRANBROOK	3	MASSET	1
CRESTON	2	MATSQUI	10
CROFTON	3	MERRITT	4
CULTUS LAKE	1	MEZIADIN LAKE	1
DAWSON CREEK	5	MISSION CITY	4
DELTA	7	NAKUSP	1
DEROCHE	1	NANAIMO	22
DUNCAN	7	NANOOSE BAY	1
EDGEWATER	1	NARAMATA	1
ELKFORD	1	NELSON	5
ENDERBY	2	NEW WESTMINSTER	52
ESQUIMALT	3	NORTH VANCOUVER	32
FERNIE	5	OAK BAY	1
FORT LANGLEY	2	OLIVER	3
FORT ST. JAMES	11	PARKSVILLE	2
FORT ST. JOHN	7	PEACHLAND	2
FRASER LAKE	2	PEMBERTON	1
FRASER LAKE (SETTLEMENT)	1	PENTICTON	3
FRUITVALE	1	PORT ALBERNI	9
GIBSONS LANDING	3	PORT ALICE	1

PORT COQUITLAM	16
PORT HARDY	1
PORT MOODY	6
PORT SIMPSON	1
POWELL RIVER	7
PRINCE GEORGE	37
PRINCE RUPERT	6
PRINCETON	3
QUALICUM BEACH	1
QUESNEL	7
REVELSTOKE	5
RICHMOND	28
SAANICH	3
SALMON ARM	3
SECHELT	5
SICAMOUS	1
SIDNEY	1
SMITHERS	3
SOOKE	2
SOUTHBANK	1
SPARWOOD	1
SQUAMISH	5
STEWART	2
SUMMERLAND	1
SURREY	108
TERRACE	19
TOFINO	2
TUMBLER RIDGE	1
VALEMOUNT	1
VANCOUVER	436
VANDERHOOF	3
VERNON	17
VICTORIA	56
WELLS	1
WEST VANCOUVER	5
WESTBANK	1
WHALLEY	2
WHISKEY CREEK	1
WHISTLER MOUNTAIN	1
WHITE ROCK	2
WILLIAMS LAKE	10
100 MILE HOUSE	1
TOTAL:	1,331

SUMMARY OF EXPENDITURES

For the year ended 31 December 1985

Claim Costs:		
Awards paid	$3,246,436	
Less third party recoveries	(13,830)	$3,232,606
Administration Costs:		
Salaries and payroll	359,320	
Occupancy and other service costs	53,508	
Travel and field investigations	15,128	
Communications	7,099	
Equipment	4,409	
Supplies and stationery	2,289	
Publications and advertising	1,419	
Miscellaneous	1,130	
Less third party recoveries	(20,980)	423,322
Total Expenditure		$3,655,928

DECISIONS ON CLAIMS

Following are three examples of actual decisions on claims. When these decisions are reached, a copy is sent to the claimant and a copy is also sent to the Ministry of the Attorney General.

ILLUSTRATION NO. 1

Application is made by C, now age 42, on behalf of herself and her son's B, now age 16, G, now age 14, and R, now age 17, in respect of an incident occurring on August 12, 1983 on Okanagan Lake in the vicinity of Kelowna, B.C. On that occasion C and her sons were passengers in a pleasure boat being operated by a family friend and when the craft came to be in collision with a second boat being operated in a careless manner by a male person. Following a police investigation into the incident the operator of the offending craft was charged with dangerous operation of a vessel. He was ultimately convicted of that charge.

For the sake of convenience the above claims shall be considered together. C and her sons were seen at hospital emergency ward following this occurrence. C's injuries are described as an aggravation of a pre-existing degenerative lumbar disc disease of the L4 to L5 and L5 to S1 levels and an acute anxiety state. She was ultimately admitted to hospital for 11 days in September 1983 for treatment physiotherapy. This hospital stay was primarily uneventful. With respect to her sons' claims, B received conservative treatment for injuries described as lacerations of the left elbow and loin. He did not require hospital admission. R's injuries are described as multiple contusions and glass lacerations. He too received conservative treatment at hospital emergency ward. G received conservative treatment at hospital emergency ward also for a sprained ankle and an anxiety state. On May 30, 1985 C as well as R and B were examined by a Board doctor and interviewed by a Board investigator. The medical examination revealed that they have recovered from their injuries. In particular, C's pre-existing lumbar disc disease persisted for several weeks. That condition, i.e. the aggravation relatable to this incident has subsided. C and her sons, including G who was not seen by the Board doctor are considered to have recovered from the injuries and without disability. No further sequelae of their injuries are to be expected.

With respect to employment losses, B advises that he lost approximately $15.00 from his work as a paper carrier due to this incident. R estimates the loss of approximately $30.00 from his paper route due to his injuries. These matters shall be considered generally under the heading of inconvenience. With respect to out of pocket expenses, the C family has incurred $109.50 in hospital co-insurance charges, $75.00 in ambulance accounts, $162.00 in drug and related expenses and approximately $50.00 in transportation costs.

C as well as R, B and G are victims of crime within the meaning of the Act. They are accordingly entitled to be compensated in respect of the

injuries sustained in this incident. An award of $396.50 is assessed with respect to the above-noted items of expenses.

With respect to C's claim and taking into consideration the nature of the injury sustained as well as the pain, suffering and inconvenience occasioned thereby, and considering the aggravation of the pre-existing back condition relatable to the incident, an additional award of $2,850.00 is assessed to compensate C in that respect. With respect to R's claim and considering the nature of his injuries and the pain occasioned thereby, an award of $1,200.00 is assessed to compensate R in that respect. With regard to B's claim and considering the nature of his injuries and the pain and suffering occasioned thereby as well as the residual scars remaining, an award of $1,600.00 is assessed to compensate B in that respect. In regard to G's claim and taking into consideration his injuries and the pain and suffering occasioned thereby, an award of $1,200.00 is assessed to compensate G in that respect.

Section 20(3) of the Act provides that the Board has full discretionary power at any time to reopen, rehear and redetermine any matter that has been dealt with by it. With respect to B's claim and in the event that he should undergo plastic surgery as a result of the residual scars remaining and the medical and hospital costs are not otherwise payable under or hospital plan he may apply for further consideration of his claim in this regard.

Section 3(2)(c) of the Act provides that the Board may make payment of compensation to any person who in the opinion of the Board is best qualified to administer the payment on behalf of the victim.

AWARD: $7,246.50

ILLUSTRATION NO. 2

Application is made by CW, then age 25, MW, then age 33, and EW, described as an old age pensioner, in respect of an incident occurring on March 31, 1985 at approximately 6:30 a.m. at the W residence in Prince George, B.C. According to CW, two unidentified male persons forced their way into the residence and for no apparent reason began beating and physically abusing several members of the W family. No criminal charges have ever been laid in relation to this incident.

According to the police investigation report this incident occurred during the course of a large party. The police state that upon arrival of police at the scene, approximately 30 persons were found at the residence and most of whom were in an extremely intoxicated state. With respect to CW, the police advised that CW was "extremely intoxicated, belligerent and refused to state what happened, or make a complaint". In the opinion of police this incident arose as the product "of a family dispute after an all-night drinking party". The police also state that no one at the residence would cooperate with police or indicate how the various persons now alleging injury came to be injured. It is also noted

that the police were summoned back to the W residence during the same night as a result of CW having shoved his fist through a front window and having cut his arm due to his extreme intoxication.

The Criminal Injury Compensation Act defines a victim as a person injured in the province by an act or omission of another resulting from the commission of a scheduled criminal offence. Section 4(1) of the Act further provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury, in determining whether to award compensation and the amount thereof. Under the circumstances of this incident CW, MW and EW are not victims of crime within the meaning of the Act. The fact of injury alone is not sufficient to justify such conclusion. It is evident that the injury sustained resulted from a drunken family party. According to police, no one at the residence including members of the W family who now make application were interested in cooperating with police or providing any information as to how this incident occurred. Those who do not cooperate with police in such circumstances ought not and shall not benefit from the Act. Furthermore, it is evident that these incidents involved injuries occurring as a result of various disputes taking place during a drunken party and in which all parties including the above-named applicants were participants. Even if the above-noted applicants could be considered to be victims of crime they are not, in light of their apparent failure to cooperate with police as well as their participation in a drunken party, entitled to any benefits under the Act. It should be added that a story that the alleged assailants entered the residence and attacked the party or parties as they now describe in their applications for benefits and that no one would have any idea as to who these persons are is simply not accepted.

NO AWARD

ILLUSTRATION NO. 3

On October 26, 1984 at approximately 11:30 p.m. the claimant, then age 32, was attacked, beaten and robbed by two men in the area of a washroom facility adjoining a bar in Vancouver, B.C. The claimant states that shortly thereafter the claimant observed one of the two parties responsible for the attack in the area of the lobby entrance of the hotel in question. The claimant states that at one point he approached this individual demanding the return of his wallet and another item of personal property allegedly taken by the assailants. In response the claimant was attacked and struck in the face and knocked to the ground by this person. Subsequently, the claimant got to his feet and followed both assailants to a nearby parked car and which was parked on a parking lot across the street from the hotel premises. The claimant states that at that stage the car suddenly backed up striking the claimant in the left knee and knocking him to the pavement. Following a criminal trial on May 13, 1985 the accused was acquitted of charges of robbery and aggravated assault laid in relation to this incident.

The claimant was seen in hospital emergency ward following this incident and subsequently received care from his family physician for injuries including multiple contusions and abrasions, a right infraorbital laceration and an undisplaced fracture of the lower pole of the left patella. He did not at any time require hospital admission. On March 12, 1985 he was examined by a Board doctor and interviewed by a Board investigator. The medical examination revealed that he has recovered from the injuries. The claimant is not considered to be in any way disabled and no sequelae of these injuries are to be expected.

The claimant was not employed at the time of this occurrence. There is no evidence of a loss of wages having been sustained due to the injuries. He states that he did miss several months from classes at a college which he had been attending. He incurred approximately $75.00 in clothing damage taking into account reasonable wear and tear. There is considered to be sufficient evidence despite the disposition of the criminal trial from which to conclude that the claimant is a victim of crime within the meaning of the Act. He is accordingly entitled to be compensated for the injuries sustained in this incident. An award of $75.00 is assessed with respect to the above-noted item of clothing damage.

Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury, in determining whether to award compensation and the amount thereof. It must be noted that while the claimant was initially apparently an innocent victim of an attack and robbery incident and during which he sustained some injuries, he subsequently contributed towards circumstances which led to additional injuries being sustained. Indeed and instead of calling the police immediately, the claimant took it upon himself to approach the assailant or assailants on not one but two occasions. The result of both of these approaches was a further assault on the first occasion and an additional injury on the second occasion when struck by the assailant's vehicle. With respect to the second assault itself or with respect to what will be referred to as the second assault, it is considered that the claimant contributed toward this particular occurrence within meaning of the above-noted section. Had the claimant simply telephoned the police and particularly as the offenders were still in the area, the second assault would never have occurred. In addition by approaching one of the offenders in the manner as did the claimant and demanding the return of his property the claimant did not take reasonable or any precautions for his own safety and in effect guaranteed a further assault on his person. With respect to the third incident or what shall be referred to as the third incident involving the motor vehicle, he again was injured as a direct result of following these persons rather than contacting the police. Again the claimant did not take reasonable precautions for his own safety. In addition the particular incident involving the motor vehicle arises directly as a result of the apparent negligent driving of one of the assailants and not as a direct result of an attempt to injure the claimant. There is no evidence that the striking of the claimant with the vehicle was anything more than an accident at that particular point. Under the

circumstances no consideration shall be given to the injury sustained as a result of the contact with the assailant's vehicle. That particular matter arises in connection with the operation of a motor vehicle and as such has no relationship to the claimant's criminal injury claim. Even assuming there was a relationship there would be no consideration of this aspect in light of the claimant's own contribution in those particular circumstances. Accordingly, and with respect to the assault incidents, some consideration shall be given to the factor of contribution and which factor shall be applied in the assessment of the award.

Taking into consideration the claimant contribution toward the injuries, the nature of the injuries sustained due to the assault incidents, as well as the pain and inconvenience relatable thereto, an additional award of $2,400.00 is assessed to compensate the claimant in that regard.

It is noted as well that a claim is made for compensation to cover the cost of a medical-legal report obtained by the claimant's legal counsel. Such an expense is not compensable under the claimant's criminal injury claim as neither being requested by the Board nor specifically necessary for his criminal injury claim. Neither is the fact that subsequent threats of violence or harassment of the claimant by the assailants of any direct relevence to his criminal injury claim although such matters are of course properly reported to the police.

Section 8(1) of the Act provides that compensation may be awarded whether or not any person is prosecuted for or convicted of the offence giving rise to the injury.

REDUCED AWARD: $2,475.00

EXAMPLE OF ALLOWED CLAIMS

11683 A 19-year-old female received multiple contusions about the face and scalp and loss of an amount of scalp hair when attacked, beaten and abused by a female acquaintance near victim's residence in Vancouver, B.C. Culprit charged with assault. Victim did not require any particular medical treatment. AWARD: $790.00 (clothing damage - $40.00; pain and suffering, etc. - $750.00)

84660 A 31-year-old female sustained fatal injuries when attacked and severely beaten by her common-law husband at their residence in Nanaimo, B.C. Culprit charged with murder. Application is made by mother of the victim. AWARD: $2,295.00 (funeral and burial expenses).

84990 A 34-year-old male was attacked and beaten by a group of men in a campground near Boston Bar, B.C. The culprits have not been identified. Victim required extensive hospital and surgical treatment for injuries including multiple lacerations of the face and forehead, multiple rib fractures, damage to the medial canthus and lacrimal duct of the left eye and Le Forte II facial fractures. He has been left with a 75 percent reduction in vision in the left eye and which is not correctable with eyeglasses. Prominent scars remain on his face. AWARD: $9,735.00 (transportation costs - $10.00; clothing damage - $25.00; loss of wages, pain and suffering, etc. - $9,700.00)

84112 An 8-year-old female was attacked and sexually assaulted by a man in an apartment in Vancouver, B.C. Culprit was charged with sexual assault. Victim received conservative treatment for vaginal pain and an anxiety state. Victim to be referred to a psychologist for therapy if appropriate and resulting costs to be paid under her criminal injury claim. AWARD: $1,500.00 (pain and suffering, etc.)

84762 An 18-year-old female suffered extreme mental and nervous shock upon discovering that her 3½-month-old daughter had been attacked and physically abused by her common-law husband at their residence in Surrey, B.C. Child suffered severe closed head injury and extensive brain damage. Victim required extensive medical and psychiatric treatment for severe depression and post-traumatic stress disorder. Victim's child has continued to require constant care and attention. Provision made for rehabilitation assistance if required. AWARD: $6,200.00 (loss of income, pain and suffering, etc.)

841003 & 841004 On a number of occasions a 3-year-old female and her 6-year-old sister were attacked and sexually abused by the children's father at the family residence in North Vancouver, B.C. Application made by

the victims' mother. Due to a lack of evidence no criminal charges were laid. No physical injuries sustained although both victims required ongoing psychotherapy for mental and emotional trauma relatable to the incidents. AWARD: Coverage of costs relatable to continuous attendance at therapy sessions by both victims and for the duration of time as would be in victims' best interests.

117083 A 59-year-old male sustained severe head injuries when attacked, beaten and robbed by two men at victim's residence in Vancouver, B.C. Assailants have not been identified or apprehended. Victim required extensive medical treatment for a depressed skull fracture and multiple facial fractures. Victim also left with a permanent traumatic mental defect and symptoms of disorientation as to time and place resulting from a complicating meningitis resulting from the injuries. He is also physically disabled in that he has little power of mobilization. AWARD: Periodic payments of $724.36 per month subject to future cost of living adjustments and payments commencing effective July 24, 1984 and continuing thereafter on each succeeding month until victim's demise.

84949 A 5-year-old male sustained multiple injuries when struck with a bicycle operated by a male person while victim crossing a crosswalk on a road near a park in Vancouver, B.C. Culprit was proceeding at an excessive rate of speed and in an extremely reckless manner weaving erratically through groups of children who were in the area. Criminal charges including common nuisance causing harm were not laid due to a lack of identification evidence. Victim required medical treatment for multiple abrasions and contusions and lacerations of the right ear. AWARD: $471.65 (hospital co-insurance - $10.00; drug expense - $11.65; pain and suffering, etc. - $450.00)

841195 A 27-year-old female received multiple injuries when struck by shrapnel from an exploding pipe bomb thrown into a crowd in which victim had been standing during a rock concert at the Pacific Coliseum in Vancouver, B.C. Two male youths were charged with criminal negligence causing bodily harm and unlawful possession of an explosive device. Victim required medical treatment for injuries including a puncture wound of the right upper eyelid and a deep laceration of the left knee over the patella. Victim left with a prominent scar on the left knee. AWARD: $1,879.91 (ambulance account - $28.00; drug expense - $16.91; transportation costs - $15.00; clothing damage - $20.00; pain and suffering, etc. - $1,800.00)

84653 A 39-year-old female suffered extreme anxiety and nervous shock when confronted by her handgun-wielding former husband who repeatedly threatened to kill the victim at the victim's residence in Revelstoke, B.C. After pleading for her life victim managed to escape by running from the residence. Culprit convicted of charges of assault with attempt to commit an indictable offence and use of a firearm while committing or attempting

to commit an indictable offence. Victim did not sustain any physical injuries. Victim did require lengthy psychotherapy due to emotional trauma. Provision made for coverage for cost of additional psychotherapy if needed. AWARD: $3,400.00 (pain and suffering, etc.)

84991 A 36-year-old male received a strain of the right shoulder and neck when without warning a man jumped on his back in a bar in Sooke, B.C. Culprit charged with assault. Victim received conservative medical treatment. AWARD: $1,400.00 (loss of wages, pain and suffering)

33184 An 18-year-old female was attacked by a knife-wielding man during an attempted rape incident on a road in Saanich, B.C. The culprit has not been identified. Victim required extensive medical treatment for multiple knife wounds including lacerations of the left upper arm and of the right palm resulting in damage to tendons of the right index and long fingers and left fifth finger. Victim left with multiple scarring and condition of flexion contractures of the right index and long fingers and a 40 percent weakened handgrasp. Victim recovered from injuries through intensive physiotherapy. AWARD: $10,695.51 (hospital co-insurance - $25.50, drug expense - $10.01; transportation costs - $260.00; loss of wages, pain and suffering, etc. - $10,400.00)

841141 A 54-year-old female was attacked and sexually assaulted by a man at a private residence in Port Alberni, B.C. Culprit ultimately acquitted of a charge of sexual assault due to a lack of evidence. Victim received medical treatment for multiple contusions and an anxiety state. AWARD $3,000.00 (pain and suffering, etc.)

84951 A 28-year-old male was attacked and struck on the head by a man wielding a pool cue in a club in Burnaby, B.C. Culprit charged with causing bodily harm with intent and possession of a dangerous weapon. Victim required extensive hospitalization and medical treatment for closed head injuries resulting in a left cerebral hemorrhage and a left forehead laceration with resulting cerebrospinal fluid leak and condition of right hemiparesis. Victim received care over a period of months for accompanying symptoms of right foot drop, weakness of the right arm and leg, reduced sensation in the right upper and lower limbs and dysphasia. AWARD: $25,000.00 (hospital and medical expense, loss of wages, pain and suffering, etc.)

84595 A 31-year-old female sustained fatal injuries when apparently attacked and strangled by an unknown person or persons in a park area in Victoria, B.C. Application made by the Public Trustee on behalf of deceased's two infant children for loss of pecuniary benefit. Victim had for a number of years received social assistance but had also on occasion been employed and contributed nominal sums to the support of her children.

AWARD: Periodic payments of $50.00 per month to be paid to each of the two children subject to future cost of living adjustments and continuing until each child attains the age of 18 years or otherwise until age 21 years in the event that the children or (either of them) are in regular attendance at academic, technical or vocational school. AWARD: Periodic payment of $50.00 per month subject to future cost of living adjustment, payable to each child until the child attains the age of 18 years and continuing to age 21 years if the child continues regularly to attend an academic, technical or vocational school.

84998 A 29-year-old male was attacked, slashed with a knife and robbed by a man in an alley in Vancouver, B.C. Culprit has not been identified or apprehended. Victim required conservative medical treatment for superficial lacerations of the back. AWARD: $450.00 (clothing damage - $50.00; pain and suffering, etc. - $400.00)

85179 An 11-year-old female was attacked, subjected to obscene language and indecently assaulted by a man near a street in Vancouver, B.C. Victim in the company of her younger sister when the at ack occurred. Culprit has not been identified. No physical injuries were received. Victim suffered from an anxiety state and missed several days of her schooling. No consultations were required with a physician or a therapist. AWARD: $1,400.00 (pain and suffering, etc.)

85125 A 62-year-old female was attacked, abused, slapped about the face, knocked to the ground by a man who then proceeded to expose himself to the victim on a street in Burnaby, B.C. Culprit has not been identified. Victim received conservative treatment at hospital emergency ward for multiple contusions. AWARD: $1,264.95 (hospital co-insurance - $10.00; ambulance account - $25.00; repair to eyeglasses - $49.95; clothing damage - $80.00; pain and suffering, etc. - $1,100.00)

37384 A 16-year-old female received injury when attacked and struck in the face with a beer glass thrown by a female acquaintance during a social gathering following a soccer match between two teams in the area of Powell River, B.C. Culprit was convicted of assault causing bodily harm. Victim received hospital emergency treatment for a deep irregular laceration of the left temple behind the left eye. Victim left with prominent scar at laceration site constituting a cosmetic defect. AWARD: $1,800.00 (pain and suffering, etc.)

85450 A 5-year-old female suffered from anxiety and continuing emotional upset after being subjected to verbal abuse and profane language from a male person and subsequently as a result of being a witness to a sexual assault perpetrated on victim's elder sister by the assailant near an intersection in Vancouver, B.C. Culprit has not been identified. Victim has

suffered interference with her sleeping and emotional trauma following this incident. AWARD: $800.00 (pain and suffering, etc.)

85345 A 43-year-old male received injury in an altercation with two female persons during an attempt by victim to detain these persons after an attempted shoplifting incident in a store in New Westminster, B.C. Victim attempted to detain suspects until arrival of police. Offenders managed to escape and have not since been identified. Victim received medical treatment for a fracture of the right fifth finger. AWARD: $1,450.00 (pain and suffering, etc.)

85421 A 22-year-old male sustained fatal injuries when shot by another man while bear hunting in a wooded area near Hudson Hope, B.C. Culprit pleaded guilty to a charge of dangerous use of a firearm. Application made by step-father and mother of the deceased. Indications were that victim had made some financial contributions to the family fund from time to time. AWARD: $7,500.00 (loss of pecuniary benefit)

85177 A 70-year-old female received injury when attempted to extinguish a fire which had been set deliberately by a person or persons at a private residence belonging to victim's son-in-law in Krestova, B.C. The responsible party or parties have not been identified. Victim hospitalized for several days with a deep laceration of the right thigh. AWARD: $2,448.00 (ambulance expense - $28.00; transportation costs - $300.00; clothing damage - $20.00; pain and suffering, etc. - $2,100.00)

84692 A 36-year-old female received multiple injuries when struck by a bullet fired from a gun wielded by one of three male youths near a private residence in Vancouver, B.C. Victim had attempted to go to the aid of a man who was being severely beaten by the three culprits. Accused convicted of aggravated assault, assault causing bodily harm and pointing a firearm. Victim hospitalized for two weeks with a gunshot wound to the left buttock with penetration into the abdominal cavity and resulting in multiple bowel perforations and a bladder rupture. Extensive operative procedures and a blood transfusion were performed. Victim subsequently required constant medical attention and frequent changes of dressings. Symptoms of persistent aching in the wound area, nocturia, extreme constipation and fatigue continued for a number of months. AWARD: $21,431.52 (hospital co-insurance - $119.00; ambulance costs - $25.00; drug expense - $11.72; physiotherapy expense - $155.00; personal care expense - $80.00; psychotherapy cost - $40.00; clothing damage - $85.00; miscellaneous personal care expense with respect to victim's child - $715.80; loss of wages, pain and suffering, etc. - $20,200.00)

85292 A 13-year-old male received multiple injuries when attacked, abused, kneed in the back, thrown to the ground, struck with a rock and robbed by two assailants in a park in North Vancouver, B.C. Culprits pleaded guilty to charges of assault and theft. Victim did not require

medical treatment for multiple contusions and abrasions of the head, neck and back. AWARD: $1,150.00 (clothing damage - $40.00; transportation cost - $10.00; pain and suffering, etc. - $1,100.00)

85049 A 14-year-old female received eye injuries when struck with a weapon described as a "throwing star" thrown as a prank in victim's direction by a male youth on a street in Courtenay, B.C. Due to tender years of the offender no criminal charges were laid. Victim required six days hospitalization and extensive medical treatment for a penetrating wound of the left eye including lacerations of the conjunctiva and sclera. Victim required to wear an eye patch and dark glasses for some time and experienced symptoms of persistent redness and tearing in the injured eye. Full visual acuity was recovered. AWARD: $2,961.00 (hospital co-insurance - $51.00; transportation cost - $60.00; pain and suffering, etc. - $2,850.00)

85379 A 70-year-old male was attacked, severely beaten, kicked and robbed by two men who had forcibly entered his residence in Surrey, B.C. Victim's wife was also attacked and beaten. Culprits have not been identified or apprehended. Victim received medical treatment for a laceration of the left zygoma, multiple contusions of the head, neck, body and limbs and an anxiety state. AWARD: $2,564.95 (hospital co-insurance - $10.00; ambulance expense - $28.00; clothing damage - $26.95; pain and suffering, etc. - $2,500.00)

85300 A 77-year-old female was attacked, knocked to the ground and dragged by a man during a purse-snatching incident near victim's residence in Vancouver, B.C. Culprit has not been identified or apprehended. Victim received conservative treatment for multiple contusions and a deep laceration of the scalp. AWARD: $1,443.00 (hospital co-insurance - $10.00; clothing damage - $5.00; ambulance account - $28.00; pain and suffering, etc. - $1,400.00)

85189 A 30-year-old female became a chief witness in criminal proceedings arising from an arson fire and marital dispute between an alleged male arsonist and his wife in Coquitlam, B.C. Applicant subsequently suffered numerous threats and intimidation from the accused and as a result experienced considerable mental distress and anxiety necessitating that she be placed in protective custody by police. As a result of criminal proceedings the accused was convicted of arson. Victim required medical treatment for a prolonged stress reaction resulting from threats of violence and death directed toward herself and her daughter and reinforced by constant harassing telephone calls and other means. Provision made for coverage of psychotherapy costs should this be required. AWARD: $4,500.00 (pain and suffering, etc.)

85289 A 21-year-old female makes application in respect of a number of incidents of sexual abuse suffered by the applicant at the hands of her father while the applicant was between the ages of 4 and 12 years and occurring at the family residence in Terrace, B.C. AWARD: Coverage of costs of ongoing psychotherapy and related transportation expense for the period of time as shall be of maximum benefit to victim.

EXAMPLES OF DISALLOWED CLAIMS

85541 A 22-year-old male received multiple injuries when struck by a passing train on railway tracks in New Westminster, B.C. Police investigation revealed that claimant, while in an intoxicated state, ran into the path of an oncoming train while attempting to catch a ride on it. According to police and a statement of an eyewitness who was a male companion of claimant's, the claimant was injured strictly as a result of an accident after running in front of the oncoming train. Claimant's story that the incident had occurred while claimant was attempting to flee from several unidentified men was not accepted as being truthful. No award was granted in light of lack of criminal charges and circumstances of this incident arising due to an unfortunate accident rather than any crime defined under the Act.

85375 A 20-year-old male alleged that he was attacked, stabbed four times in the arm and robbed by two knife-wielding assailants near a bar in Vancouver, B.C. No criminal charges were laid in relation to the alleged incident. Claimant did not report the matter to police until four days after it had occurred. According to hospital records, claimant had advised hospital staff that his injuries were received when the claimant, "fell through a plate glass window". Medical information indicated that claimant's injuries were more consistent with a fall through glass than any alleged attack as described by claimant. No award was granted as claimant not considered to be a credible witness and in light of the obvious discrepancies in claimant's story as to the manner in which he received his injuries.

85236 A 22-year-old male made application in respect of an alleged incident in which he was attacked by two men near his residence in Surrey, B.C. Claimant did not report the incident to police for in excess of one week after it occurred. Claimant did not require any medical treatment and there were no indications of any specific injuries or items of loss. No award was granted on the basis that even if claimant could be considered to be a victim of crime his claim was of a value of less than $100.00, the minimum lump sum award payable under the Act. It was also considered that his failure to report the incident to police promptly had eliminated any prospects of identification of the alleged offenders.

841163 A 31-year-old male alleged that he was attacked and beaten by four prison guards in a prison institution in which claimant was serving a period of incarceration in Burnaby, B.C. No criminal charges were ever laid in relation to the incident. While claimant alleged that he had been attacked for no particular reason, evidence of eyewitnesses was that claimant had precipitated the event by himself physically attacking a member of the prison staff. No award was granted as claimant had contributed very substantially toward the entire incident in which he was

eventually injured. He had also not laid any criminal charges against the alleged offenders responsible for his injuries. Under these circumstances he was not considered to be in any position to claim benefits as a victim of crime.

85213 A 22-year-old female alleged that she was attacked, thrown against a wall and punched by her former boyfriend during a dispute between them at claimant's residence in Richmond, B.C. Claimant did not lay any criminal charges against alleged offender. According to police the incident arose out of a dispute between claimant and alleged offender concerning custody and access of a child born as a result of their previous relationship. No award was granted in light of claimant's failure to lay criminal charges. This matter was also considered to arise strictly as a domestic dispute concerning family relations and custody of their child and with respect to which there may have been another civil remedy available to claimant.

84968 A 29-year-old male alleged that he was attacked and beaten "for no apparent reason" by bouncers in the employ of a hotel bar in Vancouver, B.C. Claimant did not lay any criminal charges. According to eyewitnesses claimant was observed to behave in a rowdy manner and after being cut off from service by bar staff claimant was observed to "wander from table to table apparently grabbing unattended beers". Claimant was evidently injured immediately after attempting to strike another man in the bar. No award was granted as claimant, through his own abusive and obnoxious behaviour had contributed toward the entire incident to such a degree as to disentitle him to any benefits under the Act.

841072 A 22-year-old male alleged that he received injuries when shot with a gun by an unknown person in a car which had pulled up along side a parked vehicle containing the claimant on a street in Vancouver, B.C. Claimant alleged that he had no idea why this incident occurred and which involved several shots being fired before the car containing the culprit sped off down the street. The responsible party has not been identified. No award was granted in this case. According to police this incident arose out of gang activity and in which several rival gangs had participated. There was evidence that claimant had much more knowledge of the circumstances surrounding the incident and why it occurred than he had chosen to reveal. In light of claimant's own lack of full and frank disclosure of all of the circumstances surrounding the incident it was not considered that he was entitled to any benefits under the act.

94483 A 27-year-old male alleged that he was attacked, punched and kicked by two male acquaintances near claimant's residence in Victoria, B.C. Police investigation indicated that the incident arose out of the illicit drug trade and following a transaction in which claimant and one of the assailants had been parties to a drug transaction. According to police claimant was attacked in retaliation for claimant's failure to pay for a quantity of an illicit drug. No award was granted as this incident

arose strictly in connection with the illicit drug trade and claimant's own participation therein. Claimant was not considered to be a victim of crime within the meaning of the Act in light of his own obvious participation in criminal activity involving illicit drugs.

841177 A 31-year-old male sustained fatal injuries in an airplane crash at or near Vancouver International Airport, Vancouver, B.C. All occupants of the aircraft including the pilot were killed as a result of the mishap. Application was brought under the Act by the widow of the deceased and one child of their marriage. No award was granted for loss of support and funeral and incidental expenses claimed as it could not be considered that the deceased was a victim of crime within the meaning of the Act. Accordingly it was not considered that the deceased's dependents were entitled to benefits. Investigation revealed that while the deceased's death resulted from a homicide this did not involve a culpable homicide or incident in which the deceased was killed intentionally. There was every indication that the incident occurred strictly as an accident and while fault may be attributable in the sense of liability in tort this was not sufficient to establish entitlement to benefits under the provisions of the Act.

84884 A 45-year-old male was attacked and stabbed repeatedly with a knife by his common-law wife near an apartment building in Fort St. John, B.C. The incident occurred following a domestic dispute between them and following a stormy relationship in which claimant and assailant had lived together, "off and on for nine years". Investigation revealed that claimant and the assailant had again resumed cohabitation and were living in a common-law relationship at the time of claimant's application for benefits. No award was granted as this incident arose strictly out of a domestic dispute between claimant and his common-law wife. Aside from this factor no award will be granted in circumstances in which, as in this case, the offender would have every prospect of benefiting should an award be granted to the applicant. It was also apparent that claimant was assuming a risk of harm by continuing to cohabit with the party responsible for his injuries.

85062 A 31-year-old female alleged that she was attacked and beaten by two unknown men on a street near her residence in Vancouver, B.C. Claimant did not report the incident to police until in excess of four months after it occurred. No award was granted in light of claimant's failure to report this incident to police promptly or within a reasonable time. In light of claimant's failure to report the incident for months there were no prospects of a successful police investigation toward identification of the responsible parties.

841129 A 24-year-old male alleged that he was attacked and punched by a male and female person who had entered his apartment in Surrey, B.C. Claimant did not sustain physical injuries requiring any specific medical attention. In this instance claimant's application was particularly in respect of damage occasioned to a wall of claimant's residence. No award was granted as there is no provision under the Act for payment of compensation in respect of damage occasioned to the applicant's residence or damage occasioned to any personal property belonging to the applicant within the residence.

841034 A 25-year-old male alleged that he was attacked, beaten and rendered unconscious by an unknown assailant near an intersection in Surrey, B.C. No criminal charges were laid in relation to the incident. According to police claimant had refused to cooperate with police during their investigation and "refused to devulge any information to police" concerning the matter. As a result police investigation was discontinued. No award was granted in light of claimant's obvious lack of cooperation with police. Those who do not do their part to assist in the administration of criminal justice by cooperating with police during the investigation of such incidents shall not benefit from the Act.

85395 A 28-year-old female alleged that she received injuries when attacked by a waiter employed by a hotel bar in New Westminster, B.C. According to eyewitnesses claimant, while in an intoxicated state, had been asked to leave the bar premises. She did so but later returned and was then physically removed from the establishment. Following a criminal trial the alleged offender was acquitted of a charge of assault in relation to this incident. No award was granted as it was considered that claimant was largely the author of her own misfortune in this instance. Claimant while in an advanced state of intoxication had insisted in returning to the bar premises despite being asked to leave and after claimant had caused a disturbance at that location. Even if claimant could be considered to be a victim of crime she was not considered in light of the disposition of the criminal trial and claimant's own contribution toward this entire incident, to be entitled to any benefits under the Act.

85621 A 27-year-old female alleged that she was attacked and stabbed with a knife by a man during a robbery incident at a bus stop near an intersection in Vancouver, B.C. No criminal charges were laid against the alleged offender. According to police claimant had been observed in the company of a male acquaintance earlier during the same night. Claimant was observed to spend some time with this individual and during the evening had checked into a hotel with this person. Claimant later denied having been in this person's company and alleged that she had gone downtown alone to go shopping. Claimant gave a number of details as to her activities which were in obvious contradiction with other evidence derived from police investigation. In particular the police were of the opinion that claimant

knew much more about the incident in which she was injured than she had revealed and that she was in fact attempting to withhold information surrounding the event. No award was granted in light of the many discrepancies and inconsistencies surrounding the occurrence as well as claimant's own lack of credibility.

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